REMARKS

Claims 1-15 are currently pending in the Application. Claims 1, 5 and 9 are independent claims. Claims 2-4, 6-8 and 10-15 depend from independent claims 1, 5 and 9, respectively. The Applicant has amended claims 1, 2, 5, 6 and 10 for clarification only, and respectfully submits that the amendments do not involve any new matter requiring a new search or examination. The Applicant respectfully requests that the application be reconsidered in view of the following remarks.

Rejections Under 35 U.S.C. §102(e) – McGraw (Claims 1-15)

Claims 1-15 were rejected under 35 U.S.C. §102(e) as being anticipated by McGraw et al. (U.S. Pub. No. 2002/0188718, hereinafter "McGraw"). Without acknowledging that McGraw qualifies as prior art under 35 U.S.C. §102(e), the Applicant respectfully traverses the rejections for at least the following reasons.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 9, the Applicant respectfully submits that McGraw fail to teach, suggest, or disclose, for example, "a first multiserver platform comprising **a network interface and a first switch blade**," and "at least a second multiserver platform comprising a second **switch** blade coupled to said first **switch** blade of said first multiserver platform," as set forth in Applicant's independent claim 9.

The Office Action alleges that McGraw's Figures 1 and 7 and Paragraphs [0138]-[0144] teach "a first multiserver platform comprising **at least one** of a network interface and a first switch blade." (Office Action, Page 5, Line 18 – Page 6, Line 3). However, Applicant's independent claim 9 recites "a first multiserver platform comprising **a network interface and a first switch blade**." Although McGraw teaches that its link cards/board may be a network interface card (McGraw, Paragraph [0128]), nowhere in McGraw is there any disclosure regarding a switch blade **in addition to** McGraw's link card/board (i.e., network interface card). Instead, McGraw completely fails to disclose a switch blade. In fact, nowhere in McGraw do the terms "switch" and "switching" appear in McGraw. Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as required for an anticipation rejection under MPEP 2131, the rejection of claim 9 under 35 U.S.C. § 102(e) cannot be maintained.

Additionally, the Applicant notes that McGraw's Figure 1 fails to show multiserver platforms and switch blades, let alone "a first multiserver platform comprising a network interface and a first switch blade," and "at least a second multiserver platform comprising a second switch blade coupled to said first switch blade of said first multiserver platform," as set forth in Applicant's independent claim 9. Instead, McGraw's Figure 1 and its supporting disclosure merely disclose a network 30 having computing devices 32-35 having associated consoles 36-39, memory modules 45-48 and interfaces 40-43, which connect the computing devices 32-35 to a console server 50 via communication links 52-55. (*See e.g.*, McGraw, Figure 1 and Paragraph [0025]).

Further, with regard to McGraw's Figure 7 and Paragraphs [0138]-[0144] and [0159-0161], it appears the Office Action is alleging that McGraw's link cards/boards are **switch** blades; however, nowhere in McGraw is there any disclosure regarding McGraw's link cards/boards performing any switching functions. Rather, McGraw describes its link cards/boards as network interface cards or bridges (McGraw, Paragraph [0128]), which is different than **switch** blades. For example, as described in McGraw's Paragraph [0144],

McGraw's link cards/boards merely pass messages between inter-chassis RS-485 bus and local RS-485 bus. (McGraw, Paragraph [0144]). In other words, McGraw's link cards/boards are merely interfaces between inter-chassis and local buses, which are different than **switch** blades. Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as required for an anticipation rejection under MPEP 2131, the rejection of claim 9 under 35 U.S.C. § 102(e) cannot be maintained.

Regarding claims 1 and 5, the Applicant respectfully submits that McGraw fail to teach, suggest, or disclose, for example, "receiving at least one packet from at least a first **switch** blade associated with a first multiserver platform," as set forth in Applicant's independent claims 1 and 5.

The Office Action alleges that McGraw's Figures 1 and 7 and Paragraphs [0128]-[0131] teach "receiving at least one packet from at least one of a first switch blade associated with a first multiserver platform," as set forth in Applicant's independent claims 1 and 5. (Office Action, Page 3, Lines 1-2). The Applicant first notes that McGraw's Figure 1 fails to show a multiserver platform and a first switch blade, let alone "receiving at least one packet from at least a first switch blade associated with a first multiserver platform," as set forth in Applicant's independent claims 1 and 5. Instead, McGraw's Figure 1 and its supporting disclosure merely disclose a network 30 having computing devices 32-35 having associated consoles 36-39, memory modules 45-48 and interfaces 40-43, which connect the computing devices 32-35 to a console server 50 via communication links 52-55. (*See e.g.*, McGraw, Figure 1 and Paragraph [0025]).

Further, with regard to McGraw's Figure 7 and Paragraphs [0128]-[0131], it appears the Office Action is alleging that McGraw's link card/board is a **switch** blade; however, nowhere in McGraw is there any disclosure regarding McGraw's link card/board performing any switching functions. Rather, McGraw describes its link card/board as a network interface card or bridge

(McGraw, Paragraph [0128]), which is different than a **switch** blade. For example, as described in McGraw's Paragraph [0144], McGraw's link card/board merely passes messages between inter-chassis RS-485 bus and local RS-485 bus. (McGraw, Paragraph [0144]). In other words, McGraw's link card/board is merely an interface between inter-chassis and local buses, which is different than a **switch** blade.

The Response to Arguments section of the final Office Action cites to Paragraphs [29] and [31] of the Applicant's Specification in alleging that "McGraw's link card/ board is similar in hardware (plug-in card) and function (provide connectivity between blade server and a network)." The Applicant notes, however, that the Office Action ignores the sections of the Applicant's Specification that discuss the switching functions performed by Applicant's switch blade and central switch. (*See e.g.*, Applicant's Specification, Paragraphs [32], [40]-[41], [44]-[45], [47] and [49]). Nowhere in McGraw is there any disclosure that McGraw's link card/board provides any switching functions whatsoever. In fact, the terms "switch" and "switching" do not even appear in McGraw.

One of ordinary skill in the art would readily understand that just because a component is embodied as a plug-in card does not necessarily make it a **switch** blade. Similarly, one or ordinary skill in the art would readily understand that just because a component provides connectivity between a blade server and a network does not necessarily indicate that the component is a **switch** blade. Rather, one of ordinary skill in the art would readily understand that a **switch** blade provides, among other things, switching functionality. As such and as discussed above with regard to McGraw's disclosure regarding its link card/board merely passing messages between inter-chassis RS-485 bus and local RS-485 bus, McGraw's link card/board is clearly not a **switch** blade. Because McGraw fails to teach a **switch** blade, McGraw at least fails to disclose, for example, "receiving at least one packet from at least a first **switch** blade associated with a first multiserver platform," as set forth in Applicant's independent claim 1. Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as

required for an anticipation rejection under MPEP 2131, the rejections of claims 1 and 5 under 35 U.S.C. § 102(e) cannot be maintained.

Therefore, for at least the above stated reasons, Applicant respectfully submits that the cited sections of the McGraw reference fails to teach, suggest, or disclose Applicant's invention as set forth in claims 1, 5 and 9. The Applicant believes that claims 1, 5 and 9 are allowable over McGraw. Applicant respectfully submits that claims 1, 5 and 9 are independent claims, and that claims 2-4, 6-8 and 10-15 depend either directly or indirectly from independent claims 1, 5 and 9, respectively. Because claims 2-4, 6-8 and 10-15 depend from claims 1, 5 and 9, respectively, Applicant respectfully submits that claims 2-4, 6-8 and 10-15 are allowable over the McGraw reference, as well. The Applicant further submits that each of claims 2-4, 6-8 and 10-15 is independently allowable.

For example, with regard to Applicant's dependent claims 2-3, 6-7 and 13-15, the Office Action cites to McGraw's Figures 1 and 7 and Paragraphs [0138]-[0144] and [0159]-[0161] as teaching the Applicant's claim limitations (Office Action, Page 3, Lines 8-17 and Page 5, Lines 2-13); however, the Applicant notes that, as discussed above, nowhere in McGraw is there any disclosure regarding any switch blades or switching functions. Further, even if McGraw's link cards/boards could be considered switch blades (which they clearly are not), the Applicant notes that nowhere in McGraw is there any disclosure regarding a central switch coupled to one or more of the switch blades of the multiserver platforms. Rather, each of McGraw's link cards/boards is part of a chassis having a plurality of blades. (*See e.g.*, McGraw, Figure 7).

The Response to Arguments section of the final Office Action alleges that "link card/boards shown in figure 7 and particularly the middle link board is interpreted as the central switch that interconnects between the above chassis with the lower chassis via link boards. However, as explained at least in Paragraph [49] of the Applicant's Specification and as would be readily understandable to one of ordinary skill in the art, central switch configurations are

different than daisy-chain configurations, such as the daisy-chain configuration disclosed by McGraw. (*See e.g.*, McGraw, Figure 7, Paragraph [0159]). Thus, McGraw clearly fails to teach a central switch as set forth in dependent claims 2-3, 6-7 and 13-15. Because the Office Action has failed to show "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" as required for an anticipation rejection under MPEP 2131, the rejections of claims 2-4, 6-8 and 10-15 under 35 U.S.C. § 102(e) cannot be maintained.

The Applicant respectfully requests, therefore, that the rejection of claims 1-15 under 35 U.S.C. §102(e), be withdrawn.

Final Matters

The Office Action makes various statements regarding claims 1-15, 35 U.S.C. § 102(e), the McGraw reference, etc. that are now moot in view of the above amendments and/or arguments. Thus, the Applicant will not address all of such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicant reserves the right to argue additional reasons supporting the allowability of claims 1-15 should the need arise in the future.

CONCLUSION

Applicant respectfully submits that all of claims 1-15 are in condition for allowance, and requests that the application be passed to issue.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: July 6, 2010

Respectfully submitted,

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